

REMARKS/ARGUMENTS

In the specification, the paragraphs [0017], [0024], [0026] and [0034] have been amended to correct minor editorial problems.

In amended Figure 2, the dotted line 232 denoting optional inclusion of SCSI Host Bus Adapter replaces the solid line that was not numbered and additionally the word "HARD" is added before the word "DISK" for 226, the acronym "PCI" is added before the word "BUS" for 206, and the word "CLIENT" is deleted for 200.

Claims 1-25 and 27-31 are pending in the present application. Claim 26 was canceled; claims 1-25 and 27-30 were amended; and claim 31 was added. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Also, applicants have submitted proposed corrections to drawings labeled FIG.2 as suggested by the Examiner in red ink. These changes will be incorporated into a formal set of drawings upon approval of the proposed changes by the examiner.

I. 35 U.S.C. § 112, Second Paragraph

The examiner has rejected claims 1-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Claims 1-30 were amended as suggested by the Examiner. Therefore, this rejection is respectfully traversed.

Therefore the rejection of claims 1-30 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 102, Anticipation

The examiner has rejected claims 1-30 under 35 U.S.C. § 102 as being anticipated by *Norris* (U.S. Patent No. 5,557,748). This rejection is respectfully traversed.

With regard to claim 1 being anticipated by *Norris*, the Examiner states:

Per claim 1, *Norris* taught a method (e.g., see figure 4 and col. 2 (lines 58-59)) determining a location (e.g., see Abstract and figure 4 (450) with col. 10 (lines 58et seq.) and also col., 8 (lines 54-65)) of a portable

data processing system (e.g., see last two words of col. 10 (line 66)), the method comprising:

a) determining resources geographically proximate to the portable computer to generate a location syndrome (e.g., see Abstract, col.;

b) comparing the location syndrome (e.g., see col. 10 (line 58 “current participants list”)) to a set of location profiles (e.g., “network participants list” and/or “existing participants list”) per col. 5 (line 7-et seq.), col. 10 (line 58-et seq.), and col. 11 (line 6)); and

c) responsive to sufficiently matching (e.g., see figure 4 (470)) the location syndrome to one of the set of location profiles, returning, to another software component (e.g., that software which configures the network parameters into the portable computer), a label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system per col. 11 (line 11-et seq.)).

Office Action, dated February 14, 2005, page 3.

Independent claim 1, which is representative of independent claims 11 and 21 with regard to similarly recited subject matter, reads as follows:

1. A method in a data processing system of determining a location of a portable data processing system, the method comprising:
determining resources geographically proximate to the portable data processing system to generate a location syndrome;
comparing the location syndrome to a set of location profiles; and
responsive to sufficiently matching the location syndrome to one of the set of location profiles, returning, to another software component, a label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system. (emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir.1990). The *Norris* reference cited by the Examiner does not anticipate the present invention as recited in claim 1, because *Norris* fails to teach each and every element of the claim. The rejected independent claim 1 recites, “responsive to sufficiently matching the location syndrome to one of the set of location profiles, returning, to another software component, a label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system.” The feature of sufficiently matching the location syndrome to one of the set of location profiles is not taught by *Norris*.

Norris' Figure 4 is a flow diagram illustrating the high level method of dynamically configuring network parameters. In steps 410 to 440, after user preferences are read or entered, network traffic data is gathered, indexed and evaluated. Then the *Norris* method is prepared to make comparisons.

As shown in block 450, the current participants list is compared with the existing participants for previously observed locations. For example, the method compares the local server for the current segment with the address of local servers contained on existing participants lists. If a match occurs, then the user is prompted to verify that the location is correct as shown in step 470 and 475. For example, if the current participants list contains the same local server as a location list for the branch office 1, then the mobile computer device asks the user whether the user is plugged into the network at the branch office 1 location. If the user confirms the location, then the network parameters stored in the network parameters 120 area for the branch office 1 location are utilized to configure a protocol stack. However, if no matches are found between the current participants list and the existing participants lists, then the user is prompted to enter a new location as shown in step 480. Although the user is required to enter a network parameters for the new location, certain network parameters may still be determined from the indexed network traffic data.

Norris, column 10, line 58, to column 11, line 10.

Norris teaches that the current participants list is compared with the existing participants' lists for previously observed locations. If a match occurs, then the user is prompted to verify that the location is correct. If the user confirms the location, then the network parameters stored in the network parameters are utilized to configure a protocol stack. However, if no matches are found between the current participants list and the existing participants' lists, then the user is prompted to enter a new location. *Norris* teaches that after comparisons are made, one of two possibilities exist: either a match occurs, or no matches are found. If no matches are found, the user is prompted to enter a new location. *Norris* has no provisions to deal with the possibility that no exact match occurs despite the fact that the user is at a previously observed location. If a user is at a previously observed location, and all but one current participant is identical to the existing list for the previously observed location, *Norris* does not consider the current participants list to be a *sufficient* match. Due to the lack of the *sufficient* match feature, *Norris* does not recognize a previously observed location if the current participants list does not exactly match the existing participants list, instead prompting the user to enter a

new location. Therefore, *Norris* does not teach sufficiently matching the location syndrome to one of the set of location profiles.

While the Examiner cites sections of *Norris*' specification to support allegations that *Norris* teaches other features in claim 1 of the present invention, the Examiner does not cite any sections of *Norris* to support the allegation that *Norris* teaches the feature of sufficiently matching the location syndrome to one of the set of location profiles because no such sections exist. The Examiner cites only a figure in *Norris* to support the allegation that *Norris* teaches the feature of sufficiently matching the location syndrome to one of the set of location profiles:

c) responsive to sufficiently matching (e.g., see figure 4 (470)) the location syndrome to one of the set of location profiles, returning, to another software component (e.g., that software which configures the network parameters into the portable computer), a label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system per col. 11 (line 11-et seq.)).

Office Action, dated February 14, 2005, page 3.

The figure in *Norris* that the Examiner referenced does not teach the feature of sufficiently matching the location syndrome to one of the set of location profiles:

| - 470
____YES____ MATCH FOUND? ____NO____

Norris, Figure 4, step 470.

In Figure 4 above, *Norris* teaches that either a match is found, or a match is not found. However, this dichotomous type of matching is not the same as the feature of sufficiently matching, a matching based on the degree of similarity. As already demonstrated above in the written description for *Norris*' Figure 4, due to the lack of the *sufficient* match feature, *Norris* does not recognize a previously observed location if the current participants list does not exactly match the existing participants list.

In contrast to the *Norris* invention, the present invention, as recited in independent claims 1, 11, and 21, teaches the feature of sufficiently matching the location syndrome to one of the set of location profiles. An example from the present invention's specification makes obvious the distinctions between *Norris* and the present invention.

It may be the case that the network resources available at a given location do not match any location profile exactly. For example, in **Figure 1**, server 103 may be down. Were this to be the case, given the location profiles of **Figure 4**, the score for the office location would be zero and that for the home location would also be zero. The location determination process would then query the user to disambiguate the current location, using the GUI of **Figure 8**. If on the other hand, server 103 were to be detected, but printer A to be down in the office, however, the office score would still be zero but the score for the home location would be minus two since neither the printer nor the scanner would be present. Given a threshold of zero, the location determination process would correctly identify the computer 100 to be in the office.

The process can be generalized to give more weight to the presence of some resources and to the absence of others. This would be of use in environments where some resources are only occasionally present while others always are. The location profiles can also be generalized to contain two lists of resources per profile, one list listing those resources that are likely to be present and the other list listing those resources that are likely to be absent.

Thus the present invention is capable of determining the location of a computer to a greater or lesser degree of confidence, moreover selecting the likely location of the computer from a list known in advance.

Specification, page 13, lines 3-21.

In the present invention's example illustrated above, an exact match is not required when comparing a location syndrome to a set of location profiles because a sufficient match will be enough to determine the location of the portable data processing system or computer. In order to achieve a sufficient match, the location determination process calculates scores based on a comparison of the resources present to the set of location profiles and compares these calculated scores to a threshold level to determine if any score is sufficient to identify the portable computer's location.

In contrast to the present invention, where the location determination process determines the location of a portable computer to a wide variety of differing degrees of confidence, in *Norris* the comparison either results in an exact match (100% confident) or no match (0% confident). Due to the lack of a sufficient match feature in *Norris*, the invention never determines that a location that produces an inexact but highly similar match is the actual location of the portable computer. Also in *Norris*, the user is never queried to choose between potential locations as the actual location, for any inexact match would result in the user being queried to identify the current location as a new

location. *Norris* does not teach sufficiently matching the location syndrome to one of the set of location profiles.

Therefore, *Norris* fails to teach all elements of the claimed invention, and thus fails to anticipate the invention as recited in independent claims 1, 11, and 21.

Furthermore, *Norris* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement *Norris* sufficiently matching the location syndrome to one of the set of location profiles, one of ordinary skill in the art would not be led to modify *Norris* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Norris* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the invention.

Therefore, Applicants respectfully request that the rejection of independent claims 1, 11, and 21 under 35 U.S.C. §102 be withdrawn.

Claims 2-10, 12-20 and 22-30 are dependent claims depending on independent claims 1, 11, and 21, respectively. Applicants have already demonstrated claims 1, 11, and 21 to be in condition for allowance. Applicants respectfully submit that claims 2-10, 12-20 and 22-30 are also allowable, at least by virtue of their dependency on allowable claims.

Thus, the rejection of claims 1-30 under 35 U.S.C. §102 has been overcome.

Although Applicants have already demonstrated claims 2-5, 12-15, and 22-25 to be in condition for allowance by virtue of their dependency on allowable claims, *Norris* also does not teach or suggest features in the dependent claims 2-5, 12-15, and 22-25.

With regard to the dependent claims 2-5 being anticipated by *Norris*, the Examiner states:

Per claims 2, 3, 4, and 5, in addition to seeing above, see col. 8 (line 35-et seq.) such implied Ven Diagramming inference is ranking the match results to infer a more accurate determination of location with user selection per col. 10 (last line) for final confirmation.

Office Action, dated February 14, 2005, page 3.

Dependent claim 2, which is representative of dependent claims 3-5, 12-15, and 22-25 with regard to similarly recited subject matter, reads as follows:

2. The method as recited in claim 1, wherein sufficiently matching the location syndrome to one of the set of location profiles comprises:
assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. (emphasis added)

The *Norris* reference cited by the Examiner does not anticipate the present invention as recited in claim 2, because *Norris* fails to teach or suggest each and every element of the claim. The rejected dependent claim 2 recites, “assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome.” The feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome is not taught or suggested by *Norris*.

The Examiner cites the following sections in *Norris* to support the allegation that *Norris* teaches or suggests the feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome:

In addition to the participants criteria, the snooper module 140 utilizes the volume of traffic on the network 200 to determine the mobile computer device 100 location. For example, if the snooper module 140 observes a high volume of one to one transactions, then the server 210 to printer 220 transaction may be occurring. As discussed above, a high volume of a one to many transaction tends to indicate that the one participant is a server or a router. Therefore, for the network example of FIG. 3, a high volume observation of both one to many and point to point transactions occurring on the network 200 tends to identify the server 210 or router 235. Note that although a router may exhibit a high volume of one to one transactions, routers are identified based on observing one to many transactions.

Norris, column 8, line 35-et seq.

For example, if the current participants list contains the same local server as a location list for the branch office 1, then the mobile computer device asks the user whether the user is plugged into the network at the branch office 1 location.

(*Norris*, column 10, last line).

The sections in *Norris* that the Examiner referenced do not teach or even suggest the feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. The section from column 8 in *Norris* simply teaches a method to determine if one of the participants is a server or a router in order to identify participants. The section from column 10 in *Norris* only teaches that once an exact match has been identified between a server and a location, the user is asked to confirm the location. Neither section cited in *Norris* teaches or suggests the feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome.

In contrast to the *Norris* invention, the present invention, as recited in dependent claim 2, teaches the feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. An example from the present invention's specification makes obvious the distinctions between *Norris* and the present invention:

If there are at least *i* profiles, then an index variable *k* that selects among resources in the resource object list 304 is initialized to one and a score variable is initialized to zero (step 652). A higher score variable indicates a better match between the resources found at a location and a specific resource profile. Next, a test is performed to determine if resource *k* is present in profile *i* (step 653). If so, the score is incremented (step 655) and if not, the score is decremented (step 654). In either case, the resource index *k* is then incremented (step 656) and a test made to determine if there are more (i.e. at least *k*) resources listed in profile *i* (step 658). If there are more resources, then block 653 is entered, if not, then a test is made to determine whether the score is greater than a threshold score (step 659). If the threshold 308 is exceeded by the current score, an entry is placed for profile *i* in the candidate locations list 307.

Specification, page 11, lines 2-12.

In the present invention's example illustrated above, score variables are initialized, and then incremented or decremented based upon the presence or absence of resources. If a score variable is greater than a threshold score, the entry assigned the score variable is placed in the candidate locations list. In contrast to the present

invention, where score variables are calculated and compared to threshold scores, in *Norris* neither scores, variables, incrementing, decrementing, nor thresholds are even mentioned once. Due to *Norris*' lack of the feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome, comparisons in *Norris* result in either an exact match or no match at all, not a score that indicates a degree of matching. *Norris* does not teach or even suggest the feature of assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. Therefore, *Norris* fails to anticipate the invention as recited in dependent claims 2-5, 12-15, and 22-25.

Furthermore, *Norris* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement *Norris* assigning a score to each location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome, one of ordinary skill in the art would not be led to modify *Norris* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Norris* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the invention.

Therefore, Applicants respectfully request that the rejection of dependent claims 2-5, 12-15, and 22-25 under 35 U.S.C. §102 be withdrawn.

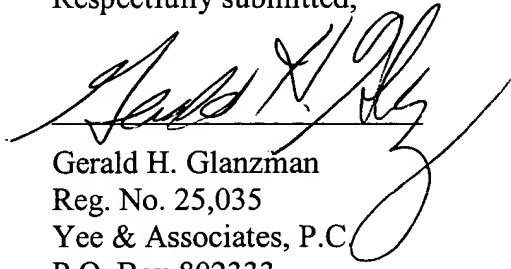
III. Conclusion

It is respectfully urged that the subject application is patentable over *Norris* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 29, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gerald H. Glanzman', is written over a horizontal line.

Gerald H. Glanzman
Reg. No. 25,035
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants

GHG/jl

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 1-2, replaces the original sheet including Fig. 1-2. In Figure 2, the dotted line **232** denoting optional inclusion of SCSI Host Bus Adapter replaces the solid line that was not numbered. The word “HARD” is added before the word “DISK” for **226**, the acronym “PCI” is added before the word “BUS” for **206**, and the word “CLIENT” is deleted for **200**.

Attachment: Annotated Sheet Showing Changes